

THE ANNUAL PROCESS OF DEVELOPING WATERFOWL HUNTING REGULATIONS

by
Guy Zenner, Waterfowl Research Biologist, Iowa DNR

Waterfowl hunting was first regulated in the U.S. along the east coast during the later half of the 19th century. Hunters noticed waterfowl numbers declining on wintering areas and encouraged state legislators to enact laws to control hunting activities, primarily market hunting. In 1916, the U.S. and Canada (represented by Great Britain) signed the Migratory Bird Treaty, which recognized waterfowl as an internationally-shared migratory resource. With the subsequent passage of the Migratory Bird Treaty Act (MBTA) in 1918, the Secretary of the Interior was given authority to regulate migratory bird hunting in the U.S. The U.S. Fish and Wildlife Service (USFWS), operating under this authority, determines if, when, and to what extent migratory birds can be hunted in the U.S. All migratory bird hunting seasons are closed until they are opened each year by the Secretary of the Interior. The MBTA does not prohibit states from developing or enforcing their own migratory bird hunting regulations. However, the migratory bird hunting regulations established by a state cannot be more liberal than the migratory bird hunting regulations established by the USFWS.

The federal government regulated waterfowl hunting with minimal input from the states from 1918 through the 1940s. As more states established fish and wildlife conservation agencies, these agencies began to express a desire for more input into the process of developing waterfowl hunting regulations. To address this concern, the International Association of Fish and Wildlife Agencies, in conjunction with the USFWS, created the Flyway Council System, establishing four Flyway Councils (Atlantic, Mississippi, Central, and Pacific) in 1952 (Fig. 1).

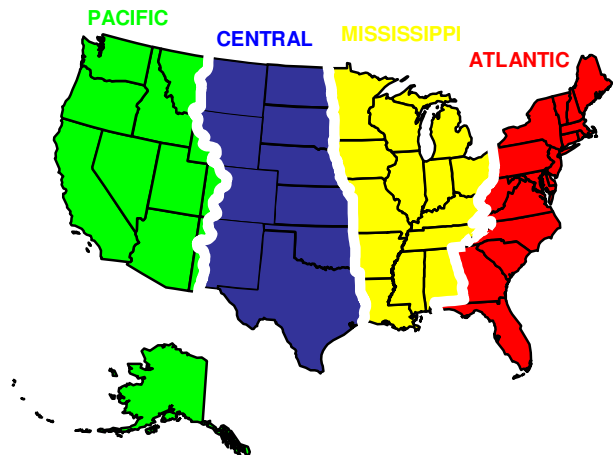


Figure 1. Administrative flyways.

Through this Flyway Council System, state conservation agencies have input into international migratory bird management programs. The Flyway boundaries were originally based on migration pathways that linked reproduction and wintering areas of heavily-harvested waterfowl species in the 1950s. With the passage of time and changes in land use and wetland habitats, some of the migration pathways and wintering areas have shifted on the landscape. However, for the majority of the migratory game birds, and for administrative purposes, the current Flyway boundaries work quite well and the present Flyway System is still an excellent vehicle for cooperative management of North America's waterfowl resources.

Iowa belongs to the Mississippi Flyway, which includes 14 states and 3 Canadian provinces (Saskatchewan, Manitoba, and Ontario). Flyway Councils are comprised of state/provincial conservation agency directors, or their appointees, and ex-officio representatives from the USFWS and Canadian Wildlife Service (CWS) who act in an advisory capacity. Each state/province gets one vote on the Council. Each Flyway Council also has a technical advisory group comprised of

waterfowl biologists from the member states/provinces, as well as experts from universities, private organizations (e.g., Ducks Unlimited, Delta Waterfowl, etc.), the USFWS and the CWS.

Flyway Councils and their respective technical advisory groups address many waterfowl management issues other than hunting regulations. For example, the Flyway Councils cooperatively fund and coordinate a variety of waterfowl population surveys, banding programs, and research projects to acquire data needed to scientifically manage migratory birds. They also develop population and harvest management policies that guide decision-making processes to ensure states and provinces have equitable opportunities to use these internationally-shared migratory resources.

The process of setting the annual waterfowl hunting regulations begins in January each year with a meeting of the USFWS's Migratory Bird Regulations Committee (SRC) and the Flyways' Consultants (Fig. 2). This group identifies critical regulations issues that need to be addressed in the coming year. The SRC is comprised of the Assistant Director of Federal Trust Species, who acts as the Chairman, and four Regional Directors from Regions 1 through 7 that rotate into these positions, with one new member each year. The Chief of the Office of Migratory Bird Management serves as the executive secretary in a non-voting status. Each Flyway Council has two consultants that act as liaisons between Flyway Councils and the SRC. The Flyway Consultants do not vote at the SRC meetings.

The Councils' technical advisory groups meet during the winter to review migratory bird population, habitat, production, banding, and harvest data for their respective Flyways. Because there are a multitude of migratory bird issues to address, many of the issues are handled by subcommittees within the technical advisory group. These subcommittees are comprised of state/provincial waterfowl biologists, USFWS and CWS staff, U.S. Geological Survey biologists, university professors, and private conservation organization personnel that have expertise in migratory bird management. The subcommittees report back to the entire technical advisory group and the official state/provincial representatives vote on all recommendations that are sent to the Councils. Only official state representatives vote on regulations recommendations to the Councils.

The Councils discuss the recommendations from their respective technical advisory groups, amend them as they see fit, and then vote on recommendations to the USFWS. The two consultants from each Flyway then present these recommendations to the SRC.

The SRC considers the regulations recommendations from the four Flyway Councils, as well as those from the staff of the USFWS's Migratory Bird Management Office, and formulates hunting regulations for each of the four Flyways. These hunting season options, which include the season length, bag limits, shooting hours, and earliest and latest dates the season can be open, are then sent to the states for their selection. Hunting season options vary by Flyway.

The regulations process is divided into 2 parts, early season and late season regulations, for the purpose of publishing the regulations in the federal register before the seasons open (Fig. 2). Early season regulations issues include dove, snipe, rail, and woodcock hunting regulations, teal-only seasons, special early duck seasons, special early Canada goose seasons, and any seasons that start before the Saturday nearest September 24. Late season regulations issues include seasons that start

after the Saturday nearest September 24, such as the regular duck and goose seasons and any special late goose seasons.

Because waterfowl population and production information is not available until mid-July, the Flyway Councils and their respective technical advisory groups must wait until the last week of July to review this information and develop appropriate hunting regulations recommendations. The SRC reviews the Flyways' recommendations and develops final regulations during the first week of August.

The process of setting the waterfowl hunting regulations in Iowa has traditionally begun in January with DNR Wildlife and Enforcement staff reviewing and discussing observations and information from the past season, including hunting pressure, duck and goose harvests, hunter comments, waterfowl migrations, and fall weather patterns. Staff also discuss the outlook for waterfowl production the next spring and the potential hunting regulations for the new year, including season length, bag limits and season dates. Wildlife Bureau staff develop "preliminary" migratory game bird season recommendations and present these to the DNR's Natural Resource Commission (NRC) in March. The NRC considers these recommendations and develops season proposals that are published as "notices of intended action," i.e., a notice to change the DNR's administrative rules. Although there is limited information in January and February on which to base migratory bird season recommendations, meshing the administrative rules process with the NRC meeting schedule and public comment requirements stretches the rule making process out over several months.

The notices of intended action reflect the DNR's ideas of what the waterfowl hunting regulations will likely be for the coming fall. They provide a starting point for public comment on waterfowl hunting regulations. The final regulations can be substantially different, however, depending upon the status of migratory bird populations, recommendations from the Flyway Councils, and the final regulations approved by the USFWS.

By the end of the first week of August, the DNR receives the final waterfowl hunting regulations options from the USFWS. Wildlife Bureau staff then make final hunting season recommendations to the NRC, including season dates, bag limits, etc., within the constraints of the USFWS's hunting regulations options. These final hunting season recommendations also take into consideration the opinions and preferences heard during the public comment period earlier in the year. The NRC uses "emergency rules procedures" to get the final waterfowl season regulations established in time for the seasons to open in September. The complexity of this process and the need to base hunting regulations on the most current waterfowl status information is why waterfowl hunting regulations are not published until after mid-August each year.

This complex and lengthy regulations development process gives all state, provincial, and federal conservation agencies the opportunity to discuss and debate migratory bird management strategies at the continental level and ensures that all states, provinces, and countries have a fair and equitable opportunity to utilize these shared migratory bird resources.

Figure 2. Flow chart of the annual process used for developing migratory game bird hunting regulations at the federal level.

ANNUAL SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS

